

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-215899

DATE: August 13, 1984

MATTER OF: Stewart & Stevenson Services, Inc.

DIGEST:

While the government may consider cost-related factors other than price in determining the low bidder, the invitation must provide for the evaluation of those factors before they may be considered. A bidder's offered prompt payment discount therefore may not be used in bid evaluation where such discounts are not included in the solicitation's evaluation criteria.

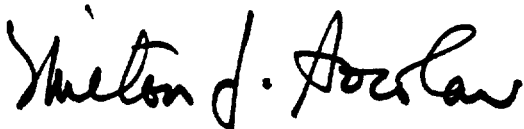
Stewart & Stevenson Services, Inc. protests award to any other bidder under solicitation No. DACW61-84-B-0048, issued by the U. S. Army Corps of Engineers. The protester argues that it should receive the award because it is the low responsive bidder if its offer of a prompt payment discount is considered in bid evaluation. Stewart & Stevenson Services argues that because the solicitation did not state that the agency would not consider offered prompt payment discounts in its evaluation of bids, the agency must consider the company's offered discount when evaluating "price and other factors," the solicitation's criterion for determining the low bidder.

We summarily deny the protest. The Corps' failure to include a clause in the invitation which expressly excludes consideration of such discounts does not give the protester the right to have that factor evaluated. Although the government may consider cost-related factors other than bid price to determine the low evaluated bid (and therefore the bid most advantageous to the government), fair competition dictates that the government include such other factors in the solicitation before they

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can be considered. Fairchild Weston Systems Inc.,
B-211650, Sept. 20, 1983, 83-2 CPD ¶ 347. Here, the
solicitation did not list prompt payment discounts as an
evaluation criterion, so that the agency may not legally
consider that factor in connection with bid evaluation.

The protest is denied.

for 
Comptroller General
of the United States